Fact Sheet

November 2026

Internal reviews under the GIPA Act

Who is this information for?

If you are a member of the public and are dissatisfied with an agency's decision about access to government information under the *Government Information (Public Access) Act* and want to have it reviewed by the agency.

Why is this information important?

This Fact Sheet helps you to understand what you need to do to apply for a review of your access decision by the agency.

Relevant legislation

This Fact Sheet provides a simple summary of the following legislative provisions:

Government Information (Public Access) Act 2009 (GIPA Act) pt 5 divs 1 and 2.

Overview

The GIPA Act provides three review options of 'reviewable decisions':

- 'internal review' by the agency who made the decision
- 'external review' by the Information Commissioner
- 'external review' by the New South Wales Civil and Administrative Tribunal (NCAT).

Nearly all GIPA Act reviewable decisions can be the subject of internal review.

If you are the person who applied for information, you are not required to seek internal review prior to exercising the external review options. See IPC Fact Sheet – Your review rights under the GIPA Act.

Can I apply for an internal review of the agency's decision?

You can apply for a review by the agency if the decision is a 'reviewable decision'. Someone else may have been consulted in relation to your application (a 'third party') or be affected by it and they can also apply.

What types of decisions can be reviewed?

The GIPA Act lists the types of decisions a government agency may make about a request for information that can be reviewed. These are listed in section 80, and in simple terms include a decision:

(a) that your application is not valid

(b) to transfer your access application to another agency

(c) to refuse to deal with your application – including a 'deemed refusal' where the agency did not process your application in time

(d) to provide access or to refuse to provide access to information

(e) that government information is not held by the agency

(f) that information you applied for is already available

(g) to refuse to confirm or deny that information is held by the agency

(h) to defer the provision of access to information in response

(i) to provide access to information in a particular way or not to provide access in the way you requested

(j) to impose a processing charge or to require an advance deposit

(k) to refuse a reduction in a processing charge

(l) to refuse to deal further with your access application because you failed to pay an advance deposit within the time required for payment

(m) to include information in a disclosure log despite your objection or objection of someone consulted.

An internal review can be limited to a particular aspect of a reviewable decision, such as specific information that the agency made a decision about.

How can I request an internal review?

You need to contact the agency who made the decision. You can request an internal review by writing to the agency or by using the contact details provided in the notice of decision. The agency may ask you to complete an application form. Usually the agency will help you to fill out the form if you ask them to.

What should I include in my request for review?

Provide the agency with enough information to identify the decision you would like to have reviewed. This could include the agency's reference, the date of the decision, or a copy of the decision. It is also helpful if you include your reasons for asking for an internal review and information about whether you would like the whole decision reviewed or only part of the decision.

Who does the review?

An officer who is at least as senior as the person who made the original decision. The officer performs the review as if the original decision had not been made.

How long do I have to ask for an internal review?

You have **20 working days** after you have been given the notice of a decision to ask for an internal review. An agency may accept an application for internal review out of time, but is not obliged to do so.

What is a working day?

A 'working day' is any day that is not a Saturday, Sunday, public holiday or any day during the period declared by the Premier of NSW as the Christmas closedown period.

When does time start to run?

If the agency *emails* you the notice of decision, the time to ask for an internal review begins from the date of the email.

If the agency *posts* you the notice of decision, the time limit begins to run on the first working day after the notice was posted, even if you had not yet received the notice at that point.

Will I be told that the agency has received my request for an internal review?

Yes. The agency must acknowledge your internal review request within **five** working days of receiving it.

If your request for internal review is not acknowledged within five working days, we suggest you contact the agency to confirm they have received your request.

Do I have to pay for an internal review?

There is a $40 fee, but an agency may choose to waive it. There are some situations where you can't be charged a fee for an internal review:

- if the agency failed to process your application in time (called a 'deemed refusal').
- if the internal review is conducted because the Information Commissioner has recommended, in an external review, that the agency reconsider its decision.

How long will the internal review take?

The agency must decide the internal review within **15 working days**. The agency can extend this by an extra **10** working days if they have to consult with someone else not previously consulted (a 'third party'). The review period can also be extended by agreement with the agency.

Can I ask for an internal review of all my GIPA application decisions?

There are some limits:

- If a Minister or their personal staff, or the principal officer of an agency made the decision, you cannot ask for an internal review, but you can ask for an external review. See IPC Fact Sheet – Your review rights under the GIPA Act.
- If the decision is being or has already been reviewed by the Information Commissioner or NCAT – except if the internal review was recommended following an external review by the Information Commissioner.

What will the internal reviewer consider?

The internal review decision will be a new decision, as though the original decision had not been made. You will receive a new notice of decision with the internal reviewer's reasons for their decision.

Although the internal review is a fresh decision, the internal reviewer *may* consider the following when they make their decision:

- your access application
- the original decision

- information found as a result of the original decision maker's searches
- guidance material, case law and authorities that relate to your access application, whether this material was created before or after the date of your access application
- correspondence between you and the agency before and after the date of the original decision. This includes correspondence about the scope of your access application, your identity and relationship with any other person, your reasons for asking for the information, other information particular to you, and concerns you may have about the original decision.

If the issue in the internal review is about whether the agency holds the information you asked for, the internal reviewer should conduct new searches before making their decision. See IPC Fact Sheet – Reasonable searches under the GIPA Act.

What happens if the internal review is not completed within time?

If an internal review decision is not made within the internal review period, the agency is deemed to have made the original decision again. You will be entitled to a refund of any fee paid to the agency for an internal review that is not completed within time.

What if I have a question about my internal review?

The agency must give you at least one person's name and their contact details when your internal review is acknowledged. This is the best person to contact if you have any questions throughout the internal review process.

If you disagree with the agency's internal review decision, we suggest that you first contact the agency and discuss your reasons for disagreeing with the decision.

You can also contact the Information and Privacy Commission NSW (IPC) if you have any general questions about the internal review process.

What if I disagree with the agency's internal review decision?

Any person who is 'aggrieved' by an internal review decision is entitled to ask for an external review. This includes the access applicant and any others consulted in the process of the internal review decision. It may also include other people who would be affected by the agency's decision. See IPC Fact Sheet – Your review rights under the GIPA Act.

Other useful resources

Other resources that may be useful on this topic include:

- IPC Fact Sheet – Your review rights under the GIPA Act
- IPC Fact Sheet – GIPA Act Fees and charges
- IPC Fact Sheet – Reasonable searches under the GIPA Act

For more information

Contact the Information and Privacy Commission NSW (IPC):

Freecall: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Website: www.ipc.nsw.gov.au

NOTE: The information in this fact sheet is to be used as a guide only. Legal advice should be sought in relation to individual circumstances.